

REMARKS

The claims previously in the case have been replaced by a set of new claims which are believed to be proper as to form and clearly patentable over the cited references.

Reconsideration is respectfully requested, for the rejection of the claims as anticipated by or unpatentable over SERBOUSEK et al. 6,610,097, alone or in view of OH 5,314,494 or BEKKI et al. 5,092,898.

OH and BEKKI may disclose the features for which they are cited and so do not require further discussion.

Instead, the rejection falls down on SERBOUSEK.

Notice that in SERBOUSEK's constructions, in no matter what embodiment, the inner cup, which corresponds to our kernel 4, is fixed relative to the next outermost member, against universal movement. See the projections 42, 142, 242 in SERBOUSEK et al. These prevent movement of the assembly of SERBOUSEK in the same manner as the assembly of the present invention.

New claim 11 clearly brings out this novel and unobvious aspect of the present invention.

New claim 12 adds to claim 11 the recitation of our cup 1 and so corresponds roughly to original claim 2.

New claim 13 is drawn to the feature of the present invention, that the center of rotation of the femoral head is spaced from the center of rotation of the kernel 4 within the

insert 2. This is achieved by the arrangement shown in our drawings, in which the thickness of the kernel 4 varies. Thus, the spherical outer surface of kernel 4 is not concentric with the spherical inner surface thereof: The center of the spherical inner surface of kernel 4, which is the center of curvature of the femoral head, is thus higher in our drawings than is the center of curvature of the internal cavity 2a of the insert 2. Of course, we do not want to claim the femoral head as an element of the claimed combination, and so, in new claim 13, we recite instead the structure of the kernel 4 by which this is achieved, namely, the tapering in thickness from a thinnest portion along the axis of symmetry of kernel 4, toward a thicker peripheral portion. The advantages of this arrangement are recited in our specification, namely: reduction of the risk of luxation, which is to say dislocation, and an automatic centering effect. That automatic re-centering is a self-adaptation which is impossible to the prior art.

New claims 14 and 15 give further precision to the relative positions of the rotational centers.

As the claims now in the case bring out these novel and unobvious aspects of the present invention with ample particularity and distinctness, it is believed that they are all patentable, and reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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